

Maharashtra Regional & Town Planning
Act, 1966 -

Direction under section 154 of the -

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Bombay-400 032.

Dated the 11th March, 1994.

No. TPB 4393/2427/CR-325/UD-11 .- Whereas.

D.C.Regulations No.11(4) of D.C.Regulations for Greater Bombay, 1991, which have come in force from 25 March 1991 empowers Municipal Commissioner to permit shifting / interchanging designations / reservations to / between adjoining lands, with consent of interested persons / parties ;

And whereas, the intention of framing this regulation was of ensuring that placement of designations / reservations do not cause undue hardship by creation of awkwardly shaped plots in remaining lands ;

And whereas, it has come to the notice of the Government that apart from privately owned lands, there are large tracts of lands owned by Government of India, State Government and Public Undertakings etc., parts of which also get covered by designations / reservations in the Development Plan ;

And whereas, at times requests for interchanging designations / reservations from privately owned lands with designations / reservations over publicly owned / Government lands may also be received ;

And whereas, with the concept of TDR, accommodating reservations introduced in the D.C.Regulations for

Greater Bombay 1991, different kinds of reservations bring to the land-owner options for differential compensation, rights of development etc. (e.g. for reservations of Play Ground, Garden, Recreational Ground land-owner is entitled for mere FDR to be utilised elsewhere, for reservations of accommodating type viz. Welfare Centre, Parking Lot, Library and the like, land-owner is entitled to utilise full FSI of the plot there itself, subject to his developing amenity of required size, and in case of P.H., H.D. & PH / HDH reservation owners' freedom to utilise full FSI is restricted by making obligatory on him to surrender 10% or so tenements, to BMC) ;

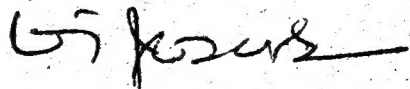
And whereas, it has to be ensured that by interchanging of reservations having options for differential compensation between private lands and public land, interests of Government Public Undertaking, Public bodies are not adversely affected ;

Now, therefore, Government is pleased to issue the following direction under sub-section (1) of section 154 of the Maharashtra Regional & Town Planning Act, 1966 ;

"Where shifting / interchange of reservations between or from privately owned land to publicly owned land i.e. land owned by Central Govt./State Govt., Public Undertakings is under consideration, utmost care be taken to ensure the following" -

- (1) The powers of shifting interchanging of designations / reservations from private land on to public land or interchanging designations / reservations between private lands and public lands should be exercised in extremely rare cases and with due caution.
- (2) The designations / reservations proposed over Govt. lands and those on private lands, which are proposed to be shifted/ interchanged with should be on equal footing, viz. they should bring to the land owner similar options of compensation, utilisation of development right, FSI etc. e.g. playgrounds, or other non-accommodating type reservations may be mutually interchanged. But they should not be allowed to be interchanged with reservation of accommodating type viz. Dispensaries, Libraries, Welfare Centre, etc.
- (3) A full justification of the proposal of interchange should be recorded in the order.

By order and in the name of the Governor of
Maharashtra,



D. T. JOSEPH,
Secretary to Government.

To,

The Municipal Commissioner,
Municipal Corporation of Greater Bombay,
Mahapalika Marg,
BOMBAY-400 001.

Copy forwarded with compliments to :

1. The Secretary,
Revenue & Forests Department,
Mantralaya, Bombay.
2. The Director of Town Planning,
M.S., Pune.
3. The Deputy Director of Town Planning,
M.S., Pune.
4. The Director (Engineering Services & Projects)
Municipal Corporation of Greater Bombay,
Mahapalika Marg, Bombay.
5. The Chief Engineering (Development Plan)
Municipal Corporation of Greater Bombay,
Mahapalika Marg, Bombay.
6. The Deputy Secretary (RDP Cell)
Urban Development Department,
Mantralaya, Bombay.
7. The Divisional Commissioner,
Greater Bombay,
Mahapalika Marg,
Bombay-1.
8. The Collector,
Bombay / Bombay Suburban District.
9. Practicing Engineers and Architects
and Town Planners Association,
306, Vikas, 3rd floor,
11, Bane Street,
Bombay-400 003.